

\*E-filed 7/16/07\*

1 J. Michael Fitzsimmons, Esq. SBN 132343  
 2 Kelly M. Laughrin, Esq. SBN 204246  
 3 CAMPBELL, WARBURTON, FITZSIMMONS,  
 4 SMITH, MENDELL & PASTORE  
 5 64 W. Santa Clara Street  
 6 San Jose, CA 95113  
 7 408/295-7701  
 408/295-1423 fax

5  
 6 Attorneys for Plaintiffs,  
 7 KARLONG CHAN, a minor, by and through his  
 Guardian Ad Litem, YUEN CHONG CHAN; and  
 YUEN CHONG CHAN

8  
 9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE**

12 KARLONG CHAN, a minor, by and ) Case No. C07-01837 HRL  
 13 through his Guardian Ad Litem, YUEN )  
 14 CHONG CHAN; and YUEN CHONG )  
 15 CHAN, aka EVA CHAN, )  
 16 Plaintiffs, ) **AMENDED STIPULATION AND  
 17 v. ) ORDER CONTINUING  
 18 ) THE MOTION TO DISMISS  
 19 ) COMPLAINT FOR DAMAGES AND  
 20 ) MOTION TO STRIKE**  
 21 CUPERTINO UNION SCHOOL )  
 22 DISTRICT, a California School District; )  
 23 et al., )  
 24 Defendants. )

25 Plaintiffs, KARLONG CHAN (“KARLONG”), a minor, by and through his Guardian Ad  
 26 Litem, YUEN CHONG CHAN, and YUEN CHONG CHAN, aka EVA CHAN (“EVA”), and  
 27 Defendants, CUPERTINO UNION SCHOOL DISTRICT (“CUSD”), RUSS OTTEY  
 28 (“OTTEY”), SARAH CROWE, (“CROWE”), COUNTY OF SANTA CLARA (“COUNTY”),  
 EMQ CHILDREN AND FAMILY SERVICES (“EMQ”), RODERICK J. MACKENZIE, JR.  
 (“MACKENZIE”), CARLOS AGUILA (“AGUILA”) by and through their respective attorneys  
 of record, hereby stipulate that the hearing on Defendants, CUSD, OTTEY, CROWE, COUNTY,  
 EMQ, AGUILA and MACKENZIE’s Motion to Dismiss Complaint for Damages and Motion to  
 Strike currently set for August 14, 2007 at 10:00 a.m. be continued until August 21, 2007, at

1 10:00 a.m. in Courtroom 2, 5<sup>th</sup> floor of the United States District Court, 280 South First Street,  
2 San Jose, CA; the briefing schedule to be based on the new hearing date.

3 All counsel have agreed to said continuance in order to accommodate Ms. Laughrin's out  
4 of the country vacation previously scheduled.

5 || Dated: July 12, 2007

CAMPBELL, WARBURTON, FITZSIMMONS,  
SMITH, MENDELL & PASTORE

By: \_\_\_\_\_ /s/

J. Michael Fitzsimmons

Kelly M. Laughrin,

Attorneys for Plaintiffs,  
KARLONG CHAN and EVA CHAN

Dated: July 13, 2007

NEEDHAM, DAVIS, KEPNER & YOUNG, LLP

By: /s/

Mark Davis

Attorney for Defendants, CUPERTINO UNION  
SCHOOL DISTRICT, RUSS OTTEY, and  
SARAH CROWE

|| Dated: July 12, 2007

ERICKSEN, ARBUTHNOT, KILDUFF, DAY &  
LINDSTROM, Inc.

Sharon L. Hightower

## Attorneys for Defendants,

COUNTY OF SANTA CLARA, EMQ CHILDREN AND  
FAMILY SERVICES, RODERICK J. MACKENZIE, JR.,  
and CARLOS AGUILA

## [ORDER]

Good cause appearing therefor:

1 IT IS HEREBY ORDERED that the hearing on Defendants, CUSD, OTTEY, CROWE,  
2 COUNTY, EMQ, AGUILA and MACKENZIE's Motion to Dismiss Complaint for Damages  
3 and Motion to Strike currently set for August 14, 2007 at 10:00 a.m. be continued until August  
4 21, 2007, at 10:00 a.m. in Courtroom 2, 5<sup>th</sup> floor of the United States District Court, 280 S. First  
Street, San Jose, CA. The briefing schedule to change accordingly. 

Dated: 7/16/07

By:

HON. HOWARD R. LLOYD  
MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT

1 PURSUANT TO GENERAL ORDER 45,

2 I, Kelly M. Laughrin, the ECF User transmitting and filing this Stipulation and  
3 [Proposed] Order Continuing the Motion to Dismiss Complaint for Damages and Motion to  
4 Strike, attest that I have obtained the concurrence of Sharon L. Hightower and Mark Davis on  
5 this filing. I declare under penalty of perjury.

6 Dated: July 12, 2007

7 CAMPBELL, WARBURTON, FITZSIMMONS,  
SMITH, MENDELL & PASTORE

8 By: \_\_\_\_\_/s/  
9 J. Michael Fitzsimmons  
Kelly M. Laughrin,  
10 Attorneys for Plaintiffs,  
KARLONG CHAN and EVA CHAN

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28